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PHILIP K. YU
20955 PATHFINDER ROAD
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EXAMINER

JANVIER, JEAN D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/851,909	Applicant(s) KADDECHE ET AL.	
	Examiner Jean Janvier	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input checked="" type="checkbox"/> Other: <u>Interview Summary</u> . |

[Handwritten signature]

Art Unit: 3622

Response To Applicant's Amendments

The Examiner approves the new title of the invention and the changes to the claims.

DETAILED ACTION

Specification

Status of the claims

Claims 1-13, 27 and 28 have been canceled and claims 14-26 and new claims 27 and 28 are currently pending in the Instant Application.

Claim Objections

Claims 14 and 19 (including its dependent claims) are objected to because of the following informalities:

Concerning claims 14 and 19, in "...wherein said impression represents a **full and complete message** provided by said impression provider", the highlighted portion is not expressly or explicitly disclosed in the specification. For examination purpose, the above claim language will be interpreted simply as --displaying an advertisement provided by the impression provider--.

Regarding claims 14 and 19, "... Internet client having real-time location..." does not necessarily mean - -detecting the present location of an Internet client using a GPS coupled to the Internet client- -, as supported in the specification since limitations recited in the specification are not being read into the claimed invention.

Concerning claims 27 and 28, "....directional guidance..." is interpreted as - - the direction of a business or institution associated with the displayed ad from the highest bidder--.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 3622

Claims 14-28 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hanson et al. (hereinafter Hanson), US Patent 5,974,398A in view of Bandera, US Patent 6, 332, 127B1.

As per claim 14, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria **and the highest bid**, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including **location**) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2:10; col. 3: 5-12; col. 4: 54-60; col. 12: 5 to col. 14: 40; col. 11: 17-24; See claims 1 and 7 of the current reference).

Art Unit: 3622

In addition, in an alternative embodiment, Hanson discloses an automatic absentee bidding among the advertisers, as shown in figs 14-15, wherein an advertiser's maximum and minimum bid values for an absentee bidding, along with the advertiser's criteria, is recorded. Here, the advertiser can be absent from the network and need not participate directly in the bidding system when the user comes online. To this end, the server 660 provides an automatic absentee bidding, having a maximum and minimum bid, on behalf of the advertisers when a user, having a profile matching the advertiser's bid criteria, comes online. The absentee bidding can operate simultaneously with the competitive bidding method conducted by other advertisers or bidders. When a user visits the system on the Internet and makes a request for a service or information, the server 660 (identifying the user) accesses a user profile database to retrieve the user's characteristics, accesses at least two respective advertisers' specified user's criteria related to two respective advertisers (sub plurality of advertisers), compares the user's retrieved characteristics to the at least two respective advertisers' specified user's criteria and selects a first and second advertiser (from the sub plurality) with specifications matching the user's characteristics. If an advertiser from the sub plurality (subset) of advertisers has a maximum bid (value) less than a highest minimum bid value, as defined or computed by the system, then the advertiser's bid is ignored. Furthermore, if an advertiser from the sub plurality of advertisers has a maximum bid (value) greater than a second highest maximum bid value of the sub plurality of advertisers, then the server 660 retains this advertiser's bid (through this absentee bidding process, the highest bidder is selected as the winner). **Thereafter, transmitting automatically (without the user's intervention) from the server 660 to the Internet client or user the winning bid value along with the advertiser's name (or a short message describing the**

Art Unit: 3622

business the advertiser is in), receiving by the server 660 from the user a signal indicating the user's acceptance of the offer and retrieving from the server 660 the advertiser's **complete** message related to the winning bid and displaying the message on the user's computer screen (here only the winning bid is displayed on the user's computer **and the user does not have to select a bid from a plurality of displayed bids**-figs 14-15; col. 13: 39 to col. 14: 21).

Finally, Hanson does indeed support the steps of retrieving, during a user's online visit, from a customer profile database 102 of fig. 1 the user's profile information, forwarding the user's profile information **(including address, interests, etc.)** to the bidding advertisers (advertising offer manager), comparing the user's profile information to the advertisers' criteria (testing stage), displaying the advertisers' bid offers to the user's computer screen based on this comparison, selecting by the user a bid offer and retrieving and outputting on the user's computer screen the advertising message related to the selected bid offer. Here, the user's profile information is provided to the advertisers to prepare their bid offers does not necessarily contain the user's permanent identifier **(like an account number, code or other unique identifier (including the user's name or identity data))**, which remains at the user's computer and may not travel across the wire for security purpose). Further the profile database 102 contains, as disclosed by Hanson, data such as demographic information about the user (age, gender, marital status, residence, etc.) as well as the user's psychographic profile. **The user's identity is revealed to an advertiser or bid winner only at the completion of a successful transaction, that is after the bidding stage is finished, wherein the user has read an advertising message related to the advertiser or bid winner and if the advertiser has made such a request.** This

Art Unit: 3622

is true in the competitive bidding or absentee bidding. **However, it is herein understood, from a technical point of view, that when the server forwards the user's profile to the advertisers or bidders, an identifier (temporary identifier) such as a number or a code or a filename, associated with the user's profile information, uniquely identifying the user to the system will be transmitted as well. And upon submitting a bid to the system based on the user's received profile information, the identifier is sent back to the system where it is used to help identify the user not only for billing the advertiser and crediting the user's account for viewing the advertisement, but also for revealing, if so requested, the identity of the user to the advertiser or bidder following a successful display (fig. 3; col. 4: 14-24; col. 4: 54-61; col. 6: 52 to col. 7: 53).**

As per claims 19 and 23, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile

Art Unit: 3622

matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge. Furthermore, an interesting advertiser using workstation 120 can communicate to the online service platform 100 a set of defined user attributes, characteristics and weights applied to such attributes, wherein these characteristics, attributes or variables and weights are used by the advertiser to develop appropriate bids for the right to display his advertising messages to a particular user having a particular profile or characteristics and attributes (income, residence, gender, etc.) in accordance with a weight or scale given to specific subset or specific parameters or attributes from the user's profile, such as ages of viewing or participating users, matching the advertiser's predefined attributes from the advertiser's specifications (filtering a subset of the profile information based on predetermined criteria) (See abstract; figs 1-3 and 6-15; col. 1: 38 to col. 2: 10; col. 3: 5-12; col. 3: 50-56; col. 4: 54-60; col. 5: 64 to col. 6: 5; col. 9: 18-23; col. 10: 32-39; col. 12: 5 to col. 14: 40; See claims 1 and 7 of the current reference).

It is herein understood that when certain attributes from the user's profile match an advertiser's defined variables or characteristics and the bid value offered is acceptable, the advertiser receives the identify of the targeted user and earns the right to display at least one advertising message to the user, who may choose to view the advertising message immediately or in the future (reserving the right to present an ad to a qualified user) (col. 8: 39-41; col. 10: 40-52; col. 11: 17-24; col. 13: 1-3; figs. 11 and 13).

In addition, in an alternative embodiment, Hanson discloses an automatic absentee bidding among the advertisers, as shown in figs 14-15, wherein an advertiser's maximum and minimum bid values for an absentee bidding, along with the advertiser's criteria, is recorded. Here, the advertiser can be absent from the network and need not participate directly in the bidding system when the user comes online. To this end, the server 660 provides an automatic absentee bidding, having a maximum and minimum bid, on behalf of the advertisers when a user, having a profile matching the advertiser's bid criteria, comes online. The absentee bidding can operate simultaneously with the competitive bidding method conducted by other advertisers or bidders. When a user visits the system on the Internet and makes a request for a service or information, the server 660 (identifying the user) accesses a user profile database to retrieve the user's characteristics, accesses at least two respective advertisers' specified user's criteria related to two respective advertisers (sub plurality of advertisers), compares the user's retrieved characteristics to the at least two respective advertisers' specified user's criteria and selects a first and second advertiser (from the sub plurality) with specifications matching the user's characteristics. If an advertiser from the sub plurality (subset) of advertisers has a maximum bid (value) less than a highest minimum bid value, as defined or computed by the system, then the advertiser's bid is ignored. Furthermore, if an advertiser from the sub plurality of advertisers has a maximum bid (value) greater than a second highest maximum bid value of the sub plurality of advertisers, then the server 660 retains this advertiser's bid (through this absentee bidding process, the highest bidder is selected as the winner). Thereafter, transmitting from the server 660 to the Internet client or user the winning bid value along with the advertiser's name (or a short message describing the business the advertiser is in), receiving by the server 660 from the

Art Unit: 3622

user a signal indicating the user's acceptance of the offer and retrieving from the server 660 the advertiser's message related to the winning bid and displaying the message on the user's computer screen (here only the winning bid is displayed on the user's computer-figs 14-15; col. 13: 39 to col. 14: 21).

In addition, Hanson does indeed supports retrieving, during a user's online visit, from a customer profile database 102 of fig. 1 the user's profile information, forwarding the user's profile information to the bidding advertisers (advertising offer manager), comparing the user's profile information to the advertisers' criteria (testing stage), displaying the advertisers' bid offers to the user's computer screen based on this comparison, selecting by the user a bid offer and retrieving and outputting on the user's computer screen the advertising message related to the selected bid offer. Here, the user's profile information provided to the advertisers to prepare their bid offers does not necessarily contain the user's permanent identifier (like a password, which remains at the user's computer and may not travel across the wire for security purpose). Further the profile database 102 contains, as disclosed by Hanson, data such as demographic information about the user (age, gender, marital status, residence, etc.) as well as the user's psychographic profile. The user's identity is revealed to an advertiser or bid winner only at the completion of a successful transaction, that is after the bidding stage is finished, wherein the user has read an advertising message related to the advertiser or bid winner and if the advertiser has made such a request. This is true in the competitive bidding or absentee bidding. **However, it is herein understood, from a technical point of view, that when the server forwards the user's profile to the advertisers or bidders, an identifier such as a number or a code or a filename, associated with the user's profile information, uniquely identifying the user to the system**

Art Unit: 3622

will be transmitted as well. And upon submitting a bid to the system based on the user's received profile information, the identifier is sent back to the system where it is used to help identify the user not only for billing the advertiser and credit the user's account for viewing the advertisement, but also for revealing, if so requested, the identity of the user to the advertiser or bidder following a successful display.

Finally, it is implicitly supported in the Hanson's system that each impression or advertisement has an associated date stamp (advertisements are typically run for a certain period of time until expired). Hanson also teaches that the user can be exposed to the same advertisement in more than one occasion, if the advertiser so desires, and in this case the advertiser will pay a reduced fee for displaying the repeated advertisement to the user.

(limiting the number of times an impression can be viewed by a user-col. 11: 21-32)

(fig. 3; col. 4: 14-24; col. 4: 54-61; col. 6: 52 to col. 7: 53).

As per claims 14, 19, 27 and 28, Hanson does not expressly teach determining the current location of the Internet client and displaying an ad, along with a direction or a local store address, from the highest bidder or advertiser on the Internet client screen based on the Internet client current location (best interpretation).

However, Bandera discloses a method, system and/or computer program product for providing time and location specific advertising object and other information object via a communication means (Internet) 25 of fig. 1 to a user or customer using a portable terminal or mobile web client (Internet client) 21 of fig. 1, having a display or screen, an input device and so

Art Unit: 3622

forth, connected to the communication means 25 wherein advertising object 32 and other information 34 are returned to the user via a web page 26 in response to the accessing a web site by the user for information and wherein an object oriented programming language such as JAVA (software) or more specifically a JAVA Virtual Machine or JVM is running on the portable terminal so as to allow JAVA Applets (programs written in JAVA) to run on the portable terminal, thereby selecting advertisements to be displayed on the screen of the portable terminal based on the present location, and/or time of the day, associated with the mobile web client or portable terminal used by the user (See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41).

Referring now to FIG. 3, operations for selecting an advertising object to be displayed within a Web page requested by a user according to the present system are illustrated. In response to a user's request for a Web page via a mobile Web client in communication with a Web server, the mobile Web client retrieves information about the user's current location (Block 100). User location information may be obtained via a GPS (22, FIG. 2) in communication with the mobile Web client (21, FIG. 2). A GPS is a constellation of spaced-apart satellites that orbit the Earth and make it possible for people with ground receivers to pinpoint their geographic location. A GPS is well understood by those skilled in the art and need not be described further herein.

GPS communications may be integrated with a Web browser of a mobile Web client. Alternatively, user requests made via a Web client may be intercepted by a Web client operating system, which is configured to fetch user location information via a GPS. Furthermore, it is understood that the present system is not limited to the use of a GPS for retrieving user location

Art Unit: 3622

information. For mobile Web clients accessing a Web server via a telephone system, a Web server may trace the calling telephone number to determine the local exchange within which the mobile Web client is presently located. The local exchange could then be used to broadly determine the current location of the user.

Alternatively, location information may be obtained based upon an identification of a cellular base station or a satellite beam that is in communication with the mobile Web client (21, FIG. 2). Although identification of a cellular base station or satellite beam may not provide as precise a location as a GPS, the location may be sufficiently precise to allow selection of advertising objects according to the present system.

The Web client then transmits the retrieved user location information with the Web page request to the Web server (Block 102). Note that in cases described above where the server queries the telephone exchange or where the location is determined by the cellular base station, this information is not actually transmitted by the client within the request. The user location information may be conveyed to the Web server in an HTTP header as part of the Web page request (23, FIG. 2). The Web server then selects an advertising object (or objects) to include in the requested Web page based on the retrieved user location information (Block 104).

Additionally, the Web server may select an advertising object(s) based on the time of day the user request was received, alone or in combination with the retrieved user location information. Preferably, a dynamic execution engine (28, FIG. 2) searches a lookup table (27, FIG. 2) that contains a plurality of advertising objects each having location and time of day information associated therewith. The Web server generates the requested Web page with the selected

Art Unit: 3622

advertising object(s) included therewithin (Block 106). The generated Web page is then served to the mobile Web client (Block 108).

As another example of this aspect of the present system, an advertisement object(s) can be selected based on the time of day a user request is received by a Web server. For example, an advertisement object related to bagels may be selected and displayed within a requested Web page when the Web page request is received between the hours of 6:00 o'clock in the morning and 9:00 o'clock in the morning. By contrast, an advertisement object (full and complete ad) related to a tavern's "happy hour" may be selected and displayed, along with the advertiser's address, within the requested Web page when a user request is received between the hours of 6:00 o'clock in the evening and 8:00 o'clock in the evening and an associated is coupon, redeemable at the advertiser's local store, is provided to the user based on the time of the day and the mobile client current location as detected by the GPS component connected to the mobile client, wherein the coupon data are downloaded to the mobile client memory and stored therein for later retrieval and wherein the user takes the client to the local store to redeem the stored coupon during a wireless synchronization process between the mobile client and the store POS system. Here, the current location of the user is used to present location and time-oriented advertisements including associated coupons.

(Col. 6: 56 to col. 7: 52; col. 7: 56 to col. 10: 31).

Additionally, Applicant admits, in the background section of the specification, that displaying a local advertisement from a local merchant on a wireless client screen based on

Art Unit: 3622

the client current location is well documented in the art (See paragraphs [0009] and [0010] and page 2).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the time and location-oriented system of Bandera into the system of Hanson so as to automatically return to a user, requesting an information or a web page from a web site, a selected and targeted content or targeted advertisement, including a related local store address, along with the requested web page or information without the user's input or intervention, wherein the returned or displayed advertisement is from the highest bidder as determined by the server and in a manner transparent to the user and wherein the content of the advertisement changes or varies in accordance with the time of the request and the current location of the user or the Internet client, thereby rendering the display of the advertisement more appealing to a mobile user or road warrior of the Internet client who receives, based on the time of his request and his current location, along the request a time-sensitive and location-oriented advertisement including an associated coupon, instead of or in addition to a credit or discounted service charge, corresponding to a product or service featured in the displayed advertisement, wherein the coupon is downloaded into the memory of the Internet client and the coupon is redeemable at the advertiser's local store (local store address shown in the ad) in the proximity of the client present location.

As per claims 15-18, 20-22 and 24-26, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid

Art Unit: 3622

for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 (Internet access provider) and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge. Furthermore, an interesting advertiser using workstation 120 can communicate to the online service platform 100 a set of defined user attributes, characteristics and weights applied to such attributes, wherein these characteristics, attributes or variables and weights are used by the advertiser to develop appropriate bids for the right to display his advertising messages to a particular user having a particular profile or characteristics and attributes (income, residence, gender, etc.) in accordance with a weight or scale given to specific subset or specific parameters or attributes from the user's profile, such as ages of viewing or participating users, matching the advertiser's predefined attributes from the advertiser's specifications (filtering a subset of the profile information based

Art Unit: 3622

on predetermined criteria) (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 3: 50-56; col. 4: 54-60; col. 5: 64 to col. 6: 5; col. 9: 18-23; col. 10: 32-39; col. 12: 5 to col. 14: 40; See claims 1 and 7 of the current reference).

In addition, the user's activity is monitored, tracked and maintained in the active user and advertiser buffer 732 (col. 9: 45-51). Information regarding the number of times a particular advertisement is viewed by a user and at what times and whether the advertisement was previously viewed is stored in advertiser offers database 106 (col. 5: 12-16). Further, usage session history database 118 stores a user's prior online session usage, wherein the online service provider uses such information to track a particular session (col. 4: 61 to col. 5: 2). Moreover, it is herein to be understood that the user's activity collected from the tracking or monitoring process is used to update the user's profile, thereby allowing the online service to determine whether an advertisement has already been seen by the user and, in the affirmative, either exclude it from further consideration or offer it at a reduced rate to the user on behalf of the advertiser, who received the user's name or identity, depending on the advertiser's wishes (col. 11: 17-24; fig. 13).

Finally, the client can further influence the decision making process of the system by selecting a winning bid among one or more qualified bids submitted by the advertisers based upon some factors (the Internet client further specifies one or more criteria for an advertiser to present an ad-See abstract).

Response To Applicant's Arguments

Art Unit: 3622

First, claims 14 and 19 recite “generating an identifier to describe the Internet client for said server /client session”. Here, the generated identifier can be interpreted as a dynamic IP address (not a static IP address), which is different for every Internet session and unique for each session while the client remains the same, as understood in the art. Further, a dynamic IP address cannot identify a client with great accuracy since only the area code related to the client and used, among other things, to generate the dynamic IP address can be extracted from the IP address (this is a rough geographic estimate based on zip codes covered by the area code). Here, the Examiner simply meant to put the Applicant on notice regarding the above claim limitations and his interpretation thereof.

Second of all, Applicant's arguments with respect to claims 14 and 19 have been considered but are moot in view of the new ground(s) of rejection. Further, the Applicant's arguments are based on the amended claims and are fully addressed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,794,210 to Goldhaber discloses, among other things, a system for paying a customer for viewing an ad on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers can bid for the right to display their advertising messages to the customer.

Art Unit: 3622

WO 98/34189 A1 to Roth discloses a system for displaying an ad to a customer on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers can bid for the right to display their advertising messages to the customer (This reference can be combined with Bandera in a good 103 Rejection if desired).

US Patent 6,324,519 to Elderly discloses an advertising auction system.

US Patent 5, 724,521 to Dedrick discloses a system for displaying an ad to a customer on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers pay for the right to display their advertising messages to the customer based on a best-fit profile matching.

US Patent 6, 064, 879 to Fujiwara discloses a mobile communication method suitable for a purchased mobile unit system, a mobile telephone switching station, a customer management system, and a mobile unit. A temporary ID, with communication restrictions, such as a limitation on the number of calls, is written into a mobile unit along with a DN, prior to shipment of the mobile unit. After purchase, the mobile unit is operated to initiate a registration procedure via a mobile communication network by using the temporary ID and to have a permanent ID written therein. By using the temporary ID, a communication connection test can be conducted on the mobile unit prior to shipment from the factory. There is no need to install a ROM writer at a mobile unit shop to write personal information.

Art Unit: 3622

US Patent 6, 577, 874 to Dailey discloses a method of receiving digital messages from a mobile terminal at a radio base station of a communications system including a plurality of radio base stations is discussed. This method includes receiving a login message at the radio base station from the mobile terminal wherein the login message includes a caller address number for the mobile terminal and wherein the caller address number comprises a first number of bits. After receiving the login message, a temporary identification number is selected at the base station for the mobile terminal wherein the temporary identification number comprises a second number of bits less than the first number of bits. The temporary identification number is transmitted from the radio base station to the mobile terminal, and after transmitting the temporary identification number, a digital information message is received at the radio base station from the mobile terminal wherein the digital information message includes the temporary identification number and payload information. Related systems, base stations, and mobile terminals are discussed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3622

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719

06/25/05

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

**JEAN D. JANVIER
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Jean D. Janvier", is written over the printed name and title.